

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nora Chanko	Team: Squad #3	CCRB Case #: 201706063	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/19/2017 4:15 PM	Location of Incident: St. Marks Place and 4th Avenue; en route to 78th Precinct stationhouse	Precinct: 78	18 Mo. SOL 1/19/2019	EO SOL 1/19/2019	
Date/Time CV Reported Wed, 07/19/2017 10:15 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 07/25/2017 10:04 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Christophe Greiner	01425	930271	NARCBBS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Dominick Ciaravino	03681	950211	NARCBBS

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Christophe Greiner	Abuse: On 4th Avenue and St. Marks Place in Brooklyn, Detective Christopher Greiner stopped § 87(2)(b)	
B.DT3 Christophe Greiner	Abuse: On 4th Avenue and St. Marks Place in Brooklyn, Detective Christopher Greiner searched § 87(2)(b)	
C.DT3 Christophe Greiner	Force: On 4th Avenue and St. Marks Place in Brooklyn, Detective Christopher Greiner used physical force against § 87(2)(b)	
D.DT3 Christophe Greiner	Abuse: On 4th Avenue and St. Marks Place in Brooklyn, Detective Christopher Greiner threatened § 87(2)(b) with the use of force.	
E.DT3 Christophe Greiner	Discourtesy: On 4th Avenue and St. Marks Place in Brooklyn, Detective Christopher Greiner spoke discourteously to § 87(2)(b)	
F.DT3 Christophe Greiner	Force: En route to the 78th Precinct stationhouse, Detective Christopher Greiner used physical force against § 87(2)(b)	

Case Summary

On July 19, 2017, Sgt. Natalie Breier of the 78th Precinct called IAB to report that force was used against § 87(2)(b) during an arrest. The CCRB received this complaint on July 25, 2017, via IAB Log #17-28029.

At approximately 4:15 p.m. on July 19, 2017, § 87(2)(b) was walking on 4th Avenue and St. Marks Place in Brooklyn when he was stopped by Det. Christopher Greiner of Narcotics Borough Brooklyn South (**Allegation A: Abuse of Authority**, § 87(2)(g)). Det. Greiner allegedly entered § 87(2)(b)'s pants pocket immediately after approaching him (**Allegation B: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) ran away and Det. Greiner and PO Dominick Ciaravino, also of Narcotics Borough Brooklyn South, pursued him. Det. Greiner used force to place him in handcuffs (**Allegation C: Force**, § 87(2)(g)). Det. Greiner allegedly threatened to break § 87(2)(b)'s finger (**Allegation D: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was placed in handcuffs. Det. Greiner searched § 87(2)(b) and recovered a bag of marijuana from his pants pocket. § 87(2)(b) was arrested and charged with two counts of resisting arrest, one count of disorderly conduct, and one count of criminal possession of marijuana in the fifth degree. Numerous employees of a nearby business were outside, including § 87(2)(b). Det. Greiner spoke discourteously towards § 87(2)(b) (**Allegation E: Discourtesy**, § 87(2)(g)). Det. Greiner and PO Ciaravino transported § 87(2)(b) to the 78th Precinct stationhouse. § 87(2)(b) alleged that while en route, Det. Greiner punched him multiple times (**Allegation F: Force**, § 87(2)(g)). An ambulance responded to the stationhouse and treated § 87(2)(b) for abrasions on his shoulder, arm, knee, and hand. § 87(2)(b) was released with a DAT.

Video footage was obtained and can be found at 01 Board Review. As the video does not contain any FADO allegations, it is not discussed in the analysis.

Findings and Recommendations

Allegation (A) Abuse of Authority: On 4th Avenue and St. Marks Place in Brooklyn,

Detective Christopher Greiner stopped § 87(2)(b)

Allegation (B) Abuse of Authority: On 4th Avenue and St. Marks Place in Brooklyn,

Detective Christopher Greiner searched § 87(2)(b)

At approximately 4:15 p.m., § 87(2)(b) left his grandmother's apartment at § 87(2)(b) to go to a deli on 4th Avenue. § 87(2)(b) had several items in the pockets of his shorts, including a bag of marijuana in his left pocket. § 87(2)(b) did not take the marijuana out while walking to the store, and he stated that it was not visible from outside of his pocket. § 87(2)(b) was alone and did not interact with anyone. While walking on 4th Avenue, just after crossing St. Mark's Place, Det. Greiner approached § 87(2)(b), put his hand on his shoulder, and put his other hand into § 87(2)(b)'s right pants pocket. Neither Det. Greiner nor § 87(2)(b) had said anything to each other, and as Det. Greiner was in plain clothes and § 87(2)(b) did not see a badge, he did not know Det. Greiner was an officer. § 87(2)(g)

§ 87(2)(b) Det. Greiner and PO Ciaravino pursued § 87(2)(b) and placed him in handcuffs using force, as discussed under

Allegations C and D. Det. Greiner subsequently entered § 87(2)(b)'s pockets and removed a small bag of marijuana.

§ 87(2)(b) an employee of § 87(2)(b) was standing outside of the organization when he saw § 87(2)(b) walk by (02 Board Review). § 87(2)(b) knew § 87(2)(b) lived in the “projects” two blocks away, and knew his mother, § 87(2)(b) stated that § 87(2)(b) had one hand in his pocket and did not have anything in his other hand when the officers approached him. The officers began physically struggling with him and asked § 87(2)(b) to remove his hands from his pockets. After § 87(2)(b) was placed in handcuffs, one of the officers searched him and found a bag of marijuana in his pocket.

§ 87(2)(b) an employee of § 87(2)(b) who does not know § 87(2)(b) did not see anything in his hands (03 Board Review). The first thing § 87(2)(b) observed was the officers put § 87(2)(b) up against a car and then use force against him on the ground. § 87(2)(b) believed that the officers later entered § 87(2)(b)'s pockets, but did not notice if they removed anything (04 Board Review).

§ 87(2)(b) another employee of § 87(2)(b) who does not know § 87(2)(b) did not observe the initial stop of § 87(2)(b) observed Det. Greiner search § 87(2)(b) afterwards, but could not see whether he removed anything (05 Board Review).

Neither § 87(2)(b) nor § 87(2)(b) were present during the initial stop of § 87(2)(b) (06 and 07 Board Review).

Det. Greiner stated that he and PO Ciaravino were parked watching § 87(2)(b) when he observed § 87(2)(b) walk up to and stand in front of the building about two car lengths away from them. § 87(2)(b) had US currency in his right hand. After about five minutes, a male came out of the building. § 87(2)(b) gave the currency to the male and the male removed a small dark object from his waistband and gave it to § 87(2)(b). Det. Greiner could not further describe the object, but suspected that it was a narcotic, specifically heroin due to the complaints from that building. The male entered the building and § 87(2)(b) walked away against traffic. Det. Greiner pulled out of the parking spot and made right turns around the block until they were on 4th Avenue. Det. Greiner did not remember if he made any statements to PO Ciaravino. When Det. Greiner next observed § 87(2)(b) he was on the corner of 4th Avenue and Warren Street with the same object in his hand. Det. Greiner double parked and intended to stop § 87(2)(b) because he believed that he had purchased narcotics; he did not suspect § 87(2)(b) of committing any other crimes. Det. Greiner and PO Ciaravino approached § 87(2)(b) and as Det. Greiner did so he saw that the object was a Ziplock bag of marijuana. Det. Greiner stopped § 87(2)(b) just as he passed St. Mark's place, intending to issue him a summons for marijuana. Det. Greiner reached out to touch § 87(2)(b)'s shoulder and believed he did touch § 87(2)(b)'s shoulder, but § 87(2)(b) pushed him and ran away. Det. Greiner denied entering § 87(2)(b)'s pocket during the initial part of the interaction. Det. Greiner and PO Ciaravino pursued § 87(2)(b) and placed him under arrest. Det. Greiner stated that § 87(2)(b) had the bag of marijuana in his hand throughout the physical struggle and he later took the bag of marijuana out of his hand. Det. Greiner frisked and searched § 87(2)(b) for weapons and

contraband after he was handcuffed, and did not recover anything. Neither Det. Greiner's memo book entries, nor the arrest report he prepared note the hand-to hand transaction (08 and 09 Board Review).

PO Ciaravino said that while he and Det. Greiner were driving, Det. Greiner said something that implied that there was a crime committed and they had to drive around the block to talk to a male, though PO Ciaravino had not observed anything himself. PO Ciaravino did not know what specifically Det. Greiner said, but he understood that Det. Greiner had observed a hand-to-hand transaction. They drove around the block and Det. Greiner said something like, "That's him," when they saw § 87(2)(b) did not have anything in his hands. Det. Greiner and PO Ciaravino got out of the car and when Det. Greiner approached § 87(2)(b) he pushed Det. Greiner and started running. PO Ciaravino did not recall Det. Greiner entering § 87(2)(b)'s pocket before he was handcuffed. § 87(2)(b) was apprehended and placed in handcuffs, and Det. Greiner then searched him and recovered a small ziplock bag of marijuana from his pocket. PO Ciaravino's memo book entries note that § 87(2)(b) was observed with a ziplock bag of marijuana in plain view in his hand, but he stated that he never observed § 87(2)(b) with marijuana in plain view, Det. Greiner merely told him that he had made that observation (10 Board Review). PO Ciaravino's memo book entries do not note the hand-to-hand transaction.

An officer may stop a person who they reasonably suspect has committed, is committing, or is about to commit a crime (People v. De Bour, 40 N.Y.2d 210) (11 Board Review).

§ 87(2)(b), § 87(2)(g)

Allegation (C) Force: On 4th Avenue and St. Marks Place in Brooklyn, Detective Christopher Greiner used physical force against § 87(2)(b)

Allegation (D) Abuse of Authority: On 4th Avenue and St. Marks Place in Brooklyn, Detective Christopher Greiner threatened § 87(2)(b) with the use of force.

Allegation (E) Discourtesy: On 4th Avenue and St. Marks Place in Brooklyn, Detective Christopher Greiner spoke discourteously to § 87(2)(b)

After § 87(2)(b) was handcuffed, § 87(2)(b) asked the officers where they were taking him, and they said they were taking him to jail. § 87(2)(b) asked the officers what they were doing, and Det. Greiner said, “Go back to Idaho,” which § 87(2)(b) interpreted as meaning that he was naïve or foolish. Det. Greiner did not make any additional similar statements. Later in the interview, § 87(2)(b) said that Det. Greiner made a statement about “going back to Iowa.” In his phone statements prior to his CCRB interview, § 87(2)(b) also alternated between whether Det. Greiner told him to go back to Idaho or Iowa, but said he thought it was Iowa (14 and 15 Board Review).

§ 87(2)(b) stated that after § 87(2)(b) came outside and started asking the officers what they were doing, Det. Greiner started “talking smack” to § 87(2)(b) and specifically said, “Who are you? Go back where you came from. Go back to Oklahoma.”

Neither § 87(2)(b) nor § 87(2)(b) mentioned witnessing this interaction between Det. Greiner and § 87(2)(b).

Det. Greiner did not recall if he interacted with any civilians nearby during the incident, and after being shown a photo of § 87(2)(b) did not recognize him and did not recall having any interaction with him. Det. Greiner denied making the statement, “Go back to Idaho,” and denied telling § 87(2)(b) to go back to any other state.

PO Ciaravino did not recognize a photo of § 87(2)(b) and did not know of Det. Greiner having any significant interaction with anyone in the nearby crowd. PO Ciaravino denied that Det. Greiner made the alleged statement, and to his knowledge, Det. Greiner did not tell anyone to go back to any other state.

§ 87(2)(b), § 87(2)(g)

Allegation (F) Force: En route to the 78th Precinct stationhouse, Detective Christopher Greiner used physical force against § 87(2)(b)

§ 87(2)(b) stated that after he was placed under arrest, he got into the back seat of the officer’s vehicle and Det. Greiner got in next to him. PO Ciaravino drove a few blocks and then double parked. They had not been having any conversation in the vehicle. Det. Greiner punched § 87(2)(b) in the face near his right eye and cheek bone. § 87(2)(b) moved forward, turned away, and tried to block himself but his hands were handcuffed behind his back. Det. Greiner punched his back 10 to 12 times with two closed fists. This knocked the breath out of § 87(2)(b) and PO Ciaravino asked § 87(2)(b) if he was okay. Det. Greiner told § 87(2)(b) to

say he was sorry, and he did, although he did not know what Det. Greiner was talking about. § 87(2)(b) was treated by EMS at the stationhouse for abrasions sustained during the struggle on the ground. After § 87(2)(b) was released he was removed to the hospital and diagnosed with a zygomatic fracture on his right side and bruising to his back.

Det. Greiner did not recall whether he got into the back seat with § 87(2)(b) or whether anyone was with him in the back seat. Det. Greiner noted that § 87(2)(b) was calm during the ride back to the stationhouse. Det. Greiner denied using any force against § 87(2)(b) after he was placed in handcuffs, and specifically denied punching § 87(2)(b) in the face or back while in the vehicle. Det. Greiner did not recall observing any injuries to § 87(2)(b)'s face or back.

PO Ciaravino said that someone usually sits with arrestees, but he did not know if it was him or Det. Greiner. PO Ciaravino denied observing Det. Greiner punch § 87(2)(b) on the right side of his face, and did not observe any signs that this had occurred. PO Ciaravino denied that Det. Greiner struck § 87(2)(b) in the back. PO Ciaravino denied that Det. Greiner struck § 87(2)(b) while in the vehicle, and did not see or hear him do so. § 87(2)(b) did not seem winded at any point other than after the struggle on the ground, and did not complain of any pain to his back.

There were no civilian witnesses to this part of the incident.

Pre-hospital Care Reports were obtained from the ambulance that responded to the 78th Precinct stationhouse, and from the ambulance that later removed § 87(2)(b) to the hospital. The first Pre-Hospital Care Report does not note any back or head injuries (17 Board Review). The narrative section notes that § 87(2)(b) said he fell and did not want to go to the hospital. It does not note that § 87(2)(b) complained of being assaulted or struck by the police. The second report notes bruising to § 87(2)(b)'s right cervical and lumbar back, and bruising to his right face (18 Board Review). The narrative section notes that § 87(2)(b) stated he was chased and assaulted by the NYPD and then arrested. § 87(2)(b) reported that he was punched on the right side of his face and back. The hospital records indicate that § 87(2)(b) reported being punched by the police two to three times in his face and seven to eight times in his back after being placed into the police car (19 Board Review). § 87(2)(b) was diagnosed with a right zygomatic fracture, a concussion, and a contusion.

Photos of § 87(2)(b) were taken for the TRI Report prepared by PO Ciaravino, and did not show any visible injuries to his face (12 Board Review).

§ 87(2)(b) filed a civil lawsuit regarding the incident, and the Notice of Claim notes that “officers” repeatedly punched, pushed, and beat him after he was placed in handcuffs (20 Board Review).

§ 87(2)(b) alleged being punched by Det. Greiner multiple times after being placed in handcuffs, which caused injuries. Neither the injuries nor the report of strikes were noted in the initial ambulance report, but both were documented in the subsequent ambulance report and hospital records. § 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (22 Board Review).
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- Det. Greiner has been a member-of-service for 15 years and has been a subject in 14 CCRB complaints and 44 allegations, of which 10 were substantiated:
 - Case 201206160 involved substantiated allegations of refusal to provide name/shield number, discourtesy (word) and stop. The Board recommended charges and the NYPD declined to prosecute.
 - Case 201408412 involved substantiated allegations of stop. The Board recommended Command Discipline B, the NYPD recommended Command Discipline A, and the NYPD declined to prosecute. § 87(4-b)
 - Case 201500715 involved substantiated allegations of gun pointed, vehicle stop, vehicle search, discourtesy, frisk, and search. The Board recommended Command Discipline B for each allegation, as did the NYPD. Command Discipline B was imposed by the NYPD for the gun pointed allegation, and declined to prosecute for the remainder of the allegations. § 87(4-b)
 - Det. Greiner was alleged to have taken similar actions previously. In case 201012265, Det. Greiner allegedly punched a civilian in the ribs while in the back seat of a police vehicle after arresting him for a marijuana-related offense.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (25 Board Review).
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming assault, battery, false imprisonment, malicious prosecution, intentional infliction of emotional distress, negligent infliction of emotional distress, outrageous conduct giving rise to personal injuries, prima facie tort, and a violation of civil rights, and seeking \$5,000,000 as redress

(20 Board Review). A request for 50H Hearing information was submitted and will be added to the case file upon receipt.

Squad No.: 3

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date